

Coast Guard, DOT

§ 5.15

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AUTHORITY: 46 U.S.C. 2103, 7101, 7301, 7701; 49 CFR 1.46.

SOURCE: CGD 82-002, 50 FR 32184, Aug. 9, 1985, unless otherwise noted.

Subpart A—Authority and Purpose

§ 5.1 Authority for regulations.

(a) The basic authority governing administrative actions against a person's license, certificate or document is set forth in title 46 U.S.C. chapter 77. The Administrative Procedure Act, title 5 U.S.C. section 551, *et seq.*, requires hearings held in conjunction with these administrative actions to be presided over by an Administrative Law Judge.

(b) Title 46, U.S.C., section 7704 requires revocation of a license, certificate or document of any person who has been shown at a hearing to be a user of or addicted to the use of a dangerous drug or to have been convicted of violating a dangerous drug law of the United States, District of Colum-

bia, or any state or territory of the United States.

§ 5.3 Purpose of regulations.

The regulations in this part establish policies and procedures for administrative actions against mariners' licenses, certificates or documents issued by the Coast Guard.

§ 5.5 Purpose of administrative actions.

The administrative actions against a license, certification or document are remedial and not penal in nature. These actions are intended to help maintain standards for competence and conduct essential to the promotion of safety at sea.

Subpart B—Definitions

§ 5.11 Commandant.

For the purpose of this part, *Commandant* means the Commandant of the Coast Guard. In subparts I, J, and K of this part, the term Commandant includes the Vice Commandant of the Coast Guard acting on behalf of the Commandant in any proceeding involving final agency action on a petition to reopen a hearing or an appeal from a decision of an Administrative Law Judge not involving an order of revocation.

§ 5.13 Coast Guard District.

A *Coast Guard District* is a geographical area as described in 33 CFR part 3 which is under the command of a Coast Guard officer designated by the Commandant as the Coast Guard District Commander.

§ 5.15 Investigating Officer.

An *investigating officer* is a Coast Guard official designated by the Commandant, District Commander, or the Officer In Charge, Marine Inspection, for the purpose of conducting investigations of marine casualties or matters pertaining to the conduct of persons issued a license, certificate or document by the Coast Guard. An Officer in Charge, Marine Inspection is an investigating officer without further designation.